IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 5TH FEBRUARY, 2007 / 16TH MAGHA, 1928

WP(C).No. 3882 of 2007(S)

(AGAINST THE ORDER DATED 22/12/2006 IN IA 2805/2006 IN OP(G&W) NO.525/2006 of FAMILY COURT, KOTTAYAM)

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PETITIONER:

SARASAN P.K., S/O. KUMARAN,
KUNNATHUKALLIL HOUSE, KUMARAKOM,
KOTTAYAM DISTRICT.

BY ADV. SRI.T.MADHU

RESPONDENTS:
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1. SUNITHA, W/O. SARASAN,
PANAKKATHARA HOUSE, KUMARAKOM SOUTH P.O.,
KUMARAKOM, KOTTAYAM DISTRICT.

2. THE MANAGING DIRECTOR,
ASWASA BHAVAN, PAMPADY P.O.,
KOTTAYAM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M. RAMACHANDRAN & S.SIRI JAGAN, JJ.

W.P(C).NO. 3882 OF 2007 - S

Dated this the 5th day of February, 2007

J U D G M E N T

Ramachandran, J.

The order passed by the Family Court, Kottayam dated 22.12.2006 is under challenge. A young child's father had expressed a desire that his son who is with Aswasa Bhavan, should be released to his custody so that the child could be taken to Sabarimala as per his wishes.

2. The father is estranged with his wife and he apprehends that the child is likely to be subjected to conversion. He would like to prevent this. However, the order shows that the Family Court had looked into all relevant aspects and had found that it will be in the welfare of the child if the custody as of now is maintained. It has been made clear that the question would be finally decided if the parties place further evidence before the court.

3. The inmates of Aswasa Bhavan are children who have their father/mother undergoing imprisonment. The

petitioner is characterised as a person who has criminal back ground. In the circumstances, close attention is to be bestowed on the pending matters, avoiding a hasty decision.

4. We do not find any error in the decision of the Family Court. The writ petition is dismissed.

M. RAMACHANDRAN
(JUDGE)

S.SIRI JAGAN
(JUDGE)

Mbs/

M. RAMACHANDRAN &
S. SIRI JAGAN, JJ

W.P.(FC).NO. OF 200

J U D G M E N T

DATED: -11-2006